[No. 412]

(SB 1199)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 315.

The People of the State of Michigan enact:

CHAPTER XVII

777.13 Chapters 300 to 399 of Michigan Compiled Laws; felonies to which chapter applicable. [M.S.A. 28.1274(23)]

Sec. 13. This chapter applies to the following felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conser-	2
324.2157(3)	Property	Н	vation officer State owned property—damages	2
			of \$1,000 or more	$180 \mathrm{\ days}$
324.3115(2)	Pub saf	Η	Waste discharge violations	2
324.3115(4)	Pub saf	G	Waste discharge violations—	
			substantial endangerment	5
324.5531(4)	Pub saf	Η	Knowingly releasing pollutants	2
324.5531(5)	Pub saf	G	Knowingly releasing pollutants—causing death or serious bodily	
			injury	6
324.5531(6)	Pub saf	С	Knowingly releasing pollutants— resulting in death or serious	
			bodily injury	15

324.8905(2)	Pub saf	Η	Infectious waste/pathological	_
904 0005(9)	D 1 6	a	waste/sharps—littering violation	2
324.8905(3)	Pub saf	G	Infectious waste/pathological	
			waste/sharps—littering violation- subsequent offense	— 5
324.11151(2)	Pub saf	Н	Hazardous waste violations—	J
024.11101(2)	1 40 541	11	subsequent offense	2
324.11151(3)	Pub saf	Н	Hazardous waste violation—	_
` '			with disregard for human life	2
324.11151(3)	Pub saf	G	Hazardous waste violation—with	
			extreme indifference for human	
			life	5
324.12116(2)	Pub saf	Η	Waste—false statement or entry	_
224 204 20 (2)	D 1 4		in a license application	2
324.20139(3)	Pub saf	Η	Hazardous waste—knowingly	0
204 01204/1\	Pub saf	G	releases or causes the release	2
324.21324(1)	Pub sai	G	Underground storage tanks— false or misleading information	5
324,21548(1)	Pub trst	Н	False statement, report, claim,	9
024,21040(1)	1 db tist	11	bid, work invoice, or other	
			request for payment	5
324.30316(3)	Pub saf	H	NREPA violation—subsequent	
			offense	2
324.31525	Person	\mathbf{G}	NREPA—imminent danger of	
			death or serious injury—	
			subsequent offense	2
324.33939(1)	Pub trst	Η	NREPA violation for commercial	0
994 40110/11)	Ded and	C	purposes	2
324.40118(11)	Pub ord	G	Wildlife conservation—buying	
			selling protected animals— subsequent offense	4
324.51120(2)	Property	Н	Removing forest products over \$2,50	
324.51512	Pub saf	D	Willfully setting forest fires	10
324.52908(3)	Property	Н	Illegally cutting, removing, or	
	1 0		transporting tree or other	
			plant involving \$1,000 or	
			more	180 days
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3
324.76107(4)	Pub trst	G	Recovering abandoned property	0
994 901904(1)	Pub ord	Н	in Great Lakes without permit	2
324.80130d(1)	rub ora	п	False representation to obtain personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain	4
921.00190u(2)	1 do ord	G	personal information—second	
			offense	7
324.80130d(3)	Pub ord	\mathbf{C}	False representation to obtain	
			personal information—third or	
			subsequent offense	15
324.80172	Person	G	Negligent crippling or homicide	_
			by vessel	2

324.80173	Person	G	Felonious operation of a vessel	2
324.80176(4)	Person	С	Operating a vessel under the influence causing death	15
324.80176(5)	Person	Е	Operating a vessel under the influence causing long-term incapacitating injury	5
324.80177(1)(c)	Pub saf	Е	Operating a vessel under the influence—third or subsequent offense	5
324.80319a(1)	Pub ord	Н	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.80319a(3)	Pub ord	С	False representation to obtain personal information—third or	·
324.81120(1)	Pub ord	Н	subsequent offense False representation to obtain	15
324.81120(2)	Pub ord	G	personal information False representation to obtain personal information—second	4
324.81120(3)	Pub ord	\mathbf{C}	offense False representation to obtain personal information—third or	7
324.81134(6)	Pub saf	Е	subsequent offense Operating an ORV under the influence—third or subsequent	15
324.81134(7)	Person	\mathbf{C}	offense Operating an ORV under the	4
324.81134(8)	Person	Е	influence causing death Operating an ORV under the influence causing serious	15
324.82126c(1)	Person	G	impairment Operating a snowmobile carelessly or negligently causing death or	5
324.82126c(2)	Person	G	serious impairment Operating a snowmobile without regard to safety causing serious	2
324.82127(4)	Person	\mathbf{C}	impairment Operating a snowmobile under the	2
324.82127(5)	Person	Е	influence causing death Operating a snowmobile under the influence causing long-term	15
324.82128(1)(c)	Pub saf	Е	incapacitating injury Operating a snowmobile under the influence—third or subsequent	5
324.82160(1)	Pub ord	Н	offense False representation to obtain	5
324.82160(2)	Pub ord	G	personal information False representation to obtain	4
			personal information—second offense	7

324.82160(3)	Pub ord	С	False representation to obtain personal information—third or	
			subsequent offense	15
328.232	Property	\mathbf{E}	Conversion of funeral contracts	5
333,2685	Person	E	Use of a live human embryo, fetus for nontherapeutic research	5
333.2688	Person	Е	Research on dead embryo or fetus without mother's consent	5
333.2689	Person	\mathbf{E}	Abortion to obtain embryo	5
333.2690	Person	\mathbf{E}	Sale or delivery of fetus or embryo	5
333,2813(3)	Pub trst	F	Unauthorized disclosure of social security number—subsequent offense	4
333.2835(9)	Pub trst	G	Disclosing confidential informa- tion—abortion	3
333.5210	Person	F	AIDS—sexual penetration with uninformed partner	4
333.5661	Person	F	Fraud resulting in patient death	4
333.7341(8)	CS	G	Delivery or manufacture of imitation controlled substance	2
333.7401(2)(a)(i)	CS	A	Delivery or manufacture of 650 or more grams of certain schedule 1 or 2 controlled substances	Life
333.7401(2)(a)(<i>ii</i>)	CS	A	Delivery or manufacture of 225 or more but less than 650 grams of certain schedule 1 or 2 controlled substances	30
333.7401(2)(a)(iii)	CS	В	Delivery or manufacture of 50 or more but less than 225 grams of certain schedule 1 or 2 controlled substances	20
333.7401(2)(a)(<i>iv</i>)	CS	D	Delivery or manufacture of less than 50 grams of certain schedule 1 or 2 controlled	
	~~	_	substances	20
333.7401(2)(b)(<i>i</i>)	CS	В	Delivery or manufacture of methamphetamine	20
333.7401(2)(b)(<i>ii</i>)	CS	Е	Delivery or manufacture of certain schedule 1, 2, or 3 controlled substances	7
333.7401(2)(c)	CS	F	Delivery or manufacture of schedule 4 controlled substance	4
333.7401(2)(d)(i)	CS	С	Delivery or manufacture of 45 or more kilograms of marijuana	15
333.7401(2)(d)(<i>ii</i>)	CS	D	Delivery or manufacture of 5 or more but less than 45 kilograms of marijuana	7
333.7401(2)(d)(<i>iii</i>)	CS	F	Delivery or manufacture of less than 5 kilograms or 20 plants	
			of marijuana	4

333.7401(2)(e)	CS	G	Delivery or manufacture of	
	~~	_	schedule 5 controlled substance	2
333.7401(2)(f)	CS	D	Delivery or manufacture of an	
			official or counterfeit prescrip- tion form	20
999 7401(9)(a)	CS	D	Delivery or manufacture of pre-	20
333.7401(2)(g)	CS	D	scription or counterfeit form	
			(other than official)	7
333.7401a	Person	В	Delivering a controlled substance	•
000,,1010	1 01 5 0 11	_	or GBL with intent to commit	
			criminal sexual conduct	20
333.7401b(3)(a)	CS	\mathbf{E}	Delivery or manufacture of GBL	7
333.7401b(3)(b)	CS	G	Possession of GBL	2
333.7401c(2)(a)	CS	D	Operating or maintaining controlled	
			substance laboratory	10
333.7401c(2)(b)	CS	В	Operating or maintaining controlled	
			substance laboratory in presence	
222 = 424 (2)()	~~	-	of minor	20
333.7401c(2)(c)	CS	В	Operating or maintaining controlled	
			substance laboratory involving hazardous waste	90
333.7401c(2)(d)	CS	В	Operating or maintaining controlled	20
555.1401C(2)(U)	CS	ь	substance laboratory near certain	
			places	20
333.7401c(2)(e)	CS	A	Operating or maintaining controlled	20
			substance laboratory involving	
			firearm or other harmful device	25
333.7402(2)(a)	CS	D	Delivery or manufacture of certain	
			imitation controlled substances	10
333.7402(2)(b)	CS	\mathbf{E}	Delivery or manufacture of schedule	
			1, 2, or 3 imitation controlled	_
222 = 402(2)()	aa		substance	5
333.7402(2)(c)	CS	\mathbf{F}	Delivery or manufacture of imita-	
			tion schedule 4 controlled sub- stance	4
333.7402(2)(d)	CS	G	Delivery or manufacture of imita-	4
555.1402(2)(tt)	CB	u	tion schedule 5 controlled sub-	
			stance	2
333.7402(2)(e)	CS	\mathbf{C}	Delivery or manufacture of controlled	
` ' ' '			substance analogue	15
333.7403(2)(a)(i)	CS	A	Possession of 650 or more grams	
			of certain schedule 1 or 2	
			controlled substances by	
			juvenile	Life
333.7403(2)(a)(ii)	CS	A	Possession of 225 or more but	
			less than 650 grams of certain	
			schedule 1 or 2 controlled sub- stances	30
333.7403(2)(a)(<i>iii</i>)	CS	В	Possession of 50 or more but less	90
555.1 105(2)(a)(bb)		D	than 225 grams of certain	
			schedule 1 or 2 controlled	
			substances	20

333.7403(2)(a)(iv)	CS	G	Possession of 25 or more but less than 50 grams of certain	
			schedule 1 or 2 controlled sub- stances	4
333.7403(2)(a)(v)	CS	G	Possession of less than 25 grams of certain schedule 1 or 2	
999 7409(9)(b)(i)	CS	D	controlled substances Possession of methamphetamine	4 10
333.7403(2)(b)(<i>i</i>) 333.7403(2)(b)(<i>ii</i>)	CS CS	G	Possession of methamphetamine Possession of certain schedule 1, 2, 3, or 4 controlled substances or controlled substances analogue	2
333.7403(2)(e)	CS	Н	Possession of official prescription form	1
333.7405(a)	CS	G	Controlled substance violations by licensee	2
333.7405(b)	CS	G	Manufacturing or distribution	4
	0,0	-	violations by licensee	2
333.7405(c)	CS	G	Refusing lawful inspection	2
333.7405(d)	CS	G	Maintaining drug house	2
333.7407(1)(a)	CS	G	Controlled substance violations by licensee	4
333.7407(1)(b)	CS	G	Use of fictitious, revoked, or sus-	-
	0,0	-	pended license number	4
333.7407(1)(c)	CS	G	Obtaining controlled substance by	
			fraud	4
333.7407(1)(d)	CS	G	False reports under controlled	
			substance article	4
333.7407(1)(e)	CS	G	Possession of counterfeiting implements	4
333.7407(1)(f)	CS	F	Disclosing or obtaining prescription	4
555.1101(1)(1)	CD		information	4
333.7407(1)(g)	CS	\mathbf{F}	Possession of counterfeit	-
7.8/			prescription form	4
333.7407(2)	CS	G	Refusing to furnish records under	
			controlled substance article	4
333.7410a	CS	G	Controlled substance offense or offense involving GBL in or	
			near a park	2
333.10204(1)	Pub ord	F	Transferring a human organ for valuable consideration	4
333.10204(4)	Pub saf	F	Removal of a human organ by an	
333.10205	Pub saf	\mathbf{F}	unauthorized individual Removal of a human organ in an	4
555,10205	_ ****		unapproved facility	4
333.13738(2)	Pub saf	F	Waste disposal violations—second offense	5
333.13738(3)	Pub saf	F	Disposing of waste—indifference to human life	2
	Pub saf	В	Disposing of waste—extreme	_
			indifference to human life	20

333.16170(3)	Pub trst	\mathbf{F}	False representation—health pro-	
			fessional recovery program	4
333.16294	Pub saf	\mathbf{F}	Health profession—unauthorized	
			practice	4
333.17766a(2)	$^{\mathrm{CS}}$	\mathbf{F}	Possession of steroids—subse-	
, ,			quent offense	4
333.17766a(3)	CS	\mathbf{E}	Delivery or manufacture of steroids	7
333.17766a(4)	CS	G	Delivery of imitation steroids	7
` '	CS	Ğ	· ·	•
333.17766c(2)	CS	G	Possession of more than 10 grams ephedrine	2
333.20142(5)	Pub trst	\mathbf{F}	False statement—application	
(-)			licensure health facility	4
333.21792	Pub trst	\mathbf{G}	Nursing homes—referral fees/	
000,110	2 0.0 01.00	<u>~</u>	bribing officials/accepting bribes	4
338.1053	Pub trst	F	Private security business and	_
990.1099	1 40 6156	1	security alarm act violation	4
990 94945(9)	Pub trst	F	Unauthorized disclosure of a	-
338.3434a(2)	rub trst	Г		
			social security number—subse-	
			quent offense	4
388.936	Pub trst	\mathbf{F}	Knowingly making false state-	
			ment—school district loans	4
388.962	Pub trst	F	Knowingly making false state-	
900.002	1 45 0150	1	ment—school district loans	4
			ment—school district loans	4

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5917 of the 90th Legislature is enacted into law.

Approved January 8, 2001.

Filed with Secretary of State January 8, 2001.

Compiler's note: House Bill No. 5917, referred to in enacting section 1, was filed with the Secretary of State January 8, 2001, and became P.A. 2000, No. 411, Eff. Mar. 28, 2001.